

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RAYMOND GENE PHENIX,

Petitioner,

v.

JAMES SCHOMIG, et al.,

Respondents.

Case No. 2:03-cv-00485-MMD-NJK

ORDER

Petitioner recently filed two motions relating to the status of his pending habeas corpus petition. These motions consist of an ex parte request for Magistrate Judge Johnston to rescind or reverse the minute order of December 17, 2012 ("ex parte motion") (dkt. no. 166), and a motion to compel prompt adjudication ("motion to compel"). (Dkt. nos. 167 and 169.)

In the ex parte motion, Petitioner argues that his letter to the Court was submitted pursuant to Local Rule 7-6(b), which allows for unrepresented party or counsel to send a letter to the Court 60 days after a matter has been fully briefed. However, Local Rule 7-5(b) requires that ex parte motion includes a statement showing good cause why the matter was filed without notice to all parties. Petitioner failed to comply with this requirement. The Court does not find good cause as to why the motion must be filed ex parte. Accordingly, Petitioner's ex parte motion (dkt. no. 167) is denied.


In the motion to compel, Petitioner seeks a decision on his pending petition and asserts several arguments on the merits of his petition. The petition has been fully

1 briefed and the Court will consider the briefs and the records in this case in making a
2 timely decision. Petitioner's motion to compel (dkt. no. 169) is therefore denied.

3 IT IS THEREFORE ORDERED that Petitioner's "Ex Parte Request (per L. Rule
4 7-6) for Magistrate Johnston to Recind or Reverse the Minute Order of 12/17/2013
5 (#166) to Allow Review of Petitioner's Letter (#166)" (dkt. no. 167) is DENIED.

6 IT IS FURTHER ORDERED that Petitioner's Motion to Compel Prompt
7 Adjudication (dkt. no. 169) is DENIED.

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9 DATED THIS 28th day of January 2013.

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14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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